

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

|   |                          |
|---|--------------------------|
| In the matter of the amendment of ARM ) | NOTICE OF SECOND PUBLIC  |
| 17.56.502, pertaining to reporting of ) | HEARING AND EXTENSION OF |
| suspected releases )                    | COMMENT PERIOD ON        |
| )                                       | PROPOSED AMENDMENT       |
| )                                       |                          |
| )                                       | (UNDERGROUND STORAGE     |
| )                                       | TANKS)                   |

TO: All Concerned Persons

1. On October 23, 2008, the Department of Environmental Quality published MAR Notice No. 17-279 regarding a notice of public hearing on the proposed amendment of the above-stated rule at page 2232, 2008 Montana Administrative Register, issue number 20. The department held a public hearing on November 12, 2008, and the initial comment period was scheduled to end on November 20, 2008.

2. On December 16, 2008, at 10:30 a.m., the department will hold a second public hearing in Room 216, 1100 North Last Chance Gulch, Helena, Montana, to consider the proposed amendment of the above-stated rule. This second hearing will supplement the hearing held on November 12, 2008.

3. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., December 8, 2008, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [ejohnson@mt.gov](mailto:ejohnson@mt.gov).

4. The department is also extending the time within which to submit written comments. Written data, views, or arguments may be submitted to Elois Johnson at the contact information listed in paragraph 3, and must be received no later than 5:00 p.m. on December 24, 2008. Persons who testified at the initial hearing, or who submitted comments during the initial comment period, need not testify again or resubmit their comments. Any such previous testimony and comments will be included in the rulemaking record.

5. Inadvertently, the initial proposal notice was not sent to persons on the interested persons list for the department's underground storage tank rulemaking proceedings, within three days of the initial publication as required by 2-4-302, MCA. The second hearing and extended comment period are intended to provide these persons with the opportunity to testify and submit written comments.

6. The rules proposed to be amended remain the same as published in MAR

Notice No. 17-279.

7. Kirsten Bowers, attorney for the department, has been designated to preside over and conduct the hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Legal Unit, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to [ejohnson@mt.gov](mailto:ejohnson@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ James M. Madden  
JAMES M. MADDEN  
Rule Reviewer

/s/ Richard H. Oppen  
RICHARD H. OPPEN, Director

Certified to the Secretary of State, November 17, 2008.